

HOUSE BILL NO. 1355

Introduced by

Representatives Metcalf, Amerman, Froseth, Mueller

Senators Andrist, Robinson

1 A BILL for an Act to amend and reenact sections 37-15-07, 37-15-08, 37-15-14.1, 37-15-16,
2 37-15-17, 37-15-18, 37-15-19, 37-15-21, and 37-18.1-04 of the North Dakota Century Code,
3 relating to the title of the administrator of the veterans' home.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 37-15-07 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **37-15-07. Administrator of veterans' home - Appointment - Qualifications.** The
8 appointment, qualifications, term of office, and salary of the administrator of the veterans' home
9 must be as prescribed in section 37-18.1-03. The administrative committee on veterans' affairs
10 may designate the administrator as commandant of the veterans' home if the administrator is
11 an honorably discharged veteran.

12 **SECTION 2. AMENDMENT.** Section 37-15-08 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **37-15-08. Subordinate officers - Appointment - Preference to veterans -**
15 **Compensation - Removal.** The ~~commandant~~ administrator of the veterans' home shall
16 appoint all necessary subordinate officers of the home. In the appointment of ~~such~~ the officers,
17 the preference afforded by chapter 37-19.1 must be given to those persons who qualify ~~therefor~~
18 for the preference. The ~~commandant~~ administrator shall fix the compensation of all subordinate
19 officers, subject to legislative appropriation, and any ~~such~~ officer may be removed by the
20 ~~commandant~~ administrator for inefficiency or misconduct.

21 **SECTION 3. AMENDMENT.** Section 37-15-14.1 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **37-15-14.1. Membership contribution for residents of veterans' home - Special**
24 **fund.**

- 1 1. The administrative committee on veterans' affairs may establish a membership
2 contribution to be paid by members of the veterans' home. The fee must be based
3 on the adjusted income of each member, but may not exceed forty-nine percent of
4 the average daily per member cost. The membership contribution must be set
5 under a formula determined by the administrative committee and designed to
6 assure dignity and equity in the charge. The administrative committee may
7 reconsider its action establishing a membership contribution, amend or rescind the
8 contribution charge, or reinstate a contribution charge previously rescinded. The
9 ~~commandant~~ administrator of the veterans' home shall collect monthly any
10 membership contribution levied.
- 11 2. As used in subsection 1, "adjusted income" means all moneys received from any
12 source, including social security benefits, less amounts received or expended as
13 follows:
- 14 a. Moneys earned during authorized leaves or furloughs from the veterans'
15 home.
- 16 b. Moneys expended by the member for hospitalization due to illness or injury.
- 17 c. Moneys expended by the member for other medical care or treatment, or for
18 required medicines.
- 19 d. Such other receipts or expenditures as the administrative committee may
20 permit to be deducted in individual cases.
- 21 3. All moneys received as a result of charging the membership contribution
22 authorized by subsection 1 must be deposited in the veterans' home operating
23 fund.

24 **SECTION 4. AMENDMENT.** Section 37-15-16 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **37-15-16. ~~Commandant~~ Administrator shall take charge of unclaimed estates of**
27 **small value.** If a member of the veterans' home dies leaving property of the value of three
28 thousand dollars or less, the ~~commandant~~ administrator immediately shall take charge of ~~such~~
29 the property. If within forty-five days of the date of death ~~no~~ a valid claim of any heir or devisee
30 is not made for the property and ~~no~~ an application or petition has not been filed for issuance of

1 letters of administration, the ~~commandant~~ administrator shall convert the property into cash
2 without probate or other proceedings and make payment ~~in the following order:~~

- 3 1- ~~Reasonable~~ first toward reasonable funeral expenses:
- 4 2- ~~Reasonable~~ and second toward reasonable and necessary medical and hospital
5 expenses of the last illness of the decedent. If any cash remains, the ~~commandant~~
6 administrator shall deposit the cash with the state treasurer who shall credit it to
7 the veterans' home operating fund. The ~~commandant~~ administrator shall make a
8 report of the ~~commandant's~~ administrator's action to the administrative committee
9 on veterans' affairs. The report must be audited by, and included in the records of,
10 the committee.

11 **SECTION 5. AMENDMENT.** Section 37-15-17 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **37-15-17. Intestate members leaving estates valued in excess of three thousand**
14 **dollars - ~~Commandant~~ Administrator to administer estate.** If a member of the veterans'
15 home dies leaving property in excess of three thousand dollars in value not disposed of by will,
16 the ~~commandant~~ administrator is entitled to letters of administration ~~upon such~~ for the estate.
17 The ~~commandant~~ administrator shall apply to the proper court for letters of administration,
18 qualify as administrator, and distribute and dispose of ~~such the~~ the estate ~~as is provided by this~~
19 ~~code.~~ If ~~no~~ a valid claim is not made to ~~such the~~ the estate by the heirs or the next of kin of the
20 deceased member for a period of one year after the granting of letters of administration, the
21 residue of the estate must be deposited with the state treasurer for the benefit of the veterans'
22 home operating fund.

23 **SECTION 6. AMENDMENT.** Section 37-15-18 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **37-15-18. ~~Commandant as administrator~~ Administrator of estate - Bond not**
26 **required - Fees - Allowance of fees by district court.** Upon becoming administrator of any
27 estate ~~as provided in~~ under section 37-15-17, the ~~commandant~~ administrator of the veterans'
28 home is not required to give bond and ~~is not entitled to~~ may not charge or receive any
29 compensation for the ~~commandant's~~ administrator's services as administrator of the estate.
30 The district court serving the county where the administration proceedings are ~~had~~ shall

1 ~~conducted may not make nor~~ allow any charge or fee in connection with the administration
2 proceedings other than the actual disbursements of the administrator.

3 **SECTION 7. AMENDMENT.** Section 37-15-19 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **37-15-19. Biennial report.** The ~~commandant~~ administrator of the veterans' home may
6 submit a biennial report to the governor and the secretary of state in accordance with section
7 54-06-04.

8 **SECTION 8. AMENDMENT.** Section 37-15-21 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **37-15-21. ~~Commandant~~ Administrator may accept gifts, donations, or bequests.**
11 The ~~commandant~~ administrator for and in behalf of the veterans' home ~~is hereby authorized to~~
12 may accept and expend funds from any source, including federal or private sources and
13 donations, gifts, or bequests offered or tendered to, or for the benefit of, the veterans' home to
14 be used to benefit the veterans' home. All ~~such~~ moneys received or accepted must be used for
15 the specific purposes for which they were given or donated. This authority ~~shall apply~~ applies
16 and ~~be~~ is retroactive to any or all gifts, donations, or bequests ~~heretofore~~ already tendered,
17 offered, or made. The veterans' home may establish and maintain its own local fund to
18 administer moneys received under this section. All interest, rent, or income from moneys or
19 property received under this section must be deposited in the veterans' home operating fund
20 unless by the terms of acquisition the moneys are required to be maintained in a different
21 manner.

22 **SECTION 9. AMENDMENT.** Section 37-18.1-04 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **37-18.1-04. Committee members not to receive compensation - Expenses**
25 **permitted.** Committee members may not receive any compensation for the performance of
26 their official duties. Voting members may be reimbursed for travel expenses and meals and
27 lodging expenses in connection with their official duties at the same rate and in the same
28 manner as are elected officials and employees of the state, with payment to be made by the
29 department of veterans' affairs and the veterans' home to each of their respective
30 subcommittee members incurring ~~such~~ the expenses. ~~Such~~ The payment must be made by
31 warrant-check drawn by the office of management and budget upon the submission of a proper

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- 1 voucher to it, signed by the commissioner of veterans' affairs or the ~~commandant~~ administrator
- 2 of the veterans' home, as the case may be.